

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

In re:

BDC GROUP, INC.,

Debtor.

Bankruptcy Case No. 23-00484

Appeal No. 1:24-cv-00114-LTS-MAR

**STATEMENT OF THE ISSUES TO BE
PRESENTED ON APPEAL**

Appellant Zayo Group, LLC, under Federal Rule of Bankruptcy Procedure 8009(a), states the following issues to be presented on appeal:

1. Whether the Bankruptcy Court erred in holding Zayo in contempt of the *Stipulated Order for Stay Relief and Other Matters* [Doc 361] (the “Stipulated Order”);
2. Whether the Bankruptcy Court erred in ruling that Zayo had not satisfied its obligation under the Stay Order through the exercise of its recoupment rights;
3. Whether the Bankruptcy Court erred in ruling that Zayo had not preserved recoupment rights under its contract with the Debtor;
4. Whether the Bankruptcy Court erred in ignoring the radically changed circumstances of Debtor’s bankruptcy case immediately following entry of the Stipulated Order; and,
5. Whether the Bankruptcy Court erred in ordering Zayo to pay the same debt to the Debtor’s estate twice.

Dated: October 30, 2024

RESPECTFULLY SUBMITTED,

/s/ Jeffrey D. Goetz

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/s/ Brenda Mozena